



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number(s): 2301813 & 2303437
Applicant Name: Charlie Laboda, for Harbor Properties, Inc., Vulcan, Inc., and PEMCO Mutual Insurance Co.
Address(es) of Proposal: 224 Pontius Avenue N. and 221 Yale Avenue N.

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for a three-building mixed-use project with approximately 180 residential units, 36,000 square feet of retail commercial space, 190,000 square feet of office space and underground parking to be located in the half block entirely east of the alley for approximately 357 vehicles.

The development site is comprised of the entire two half blocks bounded by Yale Avenue N on the east, by Pontius Avenue N on the west, by Thomas Street on the north and John Street on the south. The two half-block sites total 84,960 square feet, or slightly less than two acres. A north-south alley divides the overall block and development site into two distinct sites east and west of the alley. The half block sites are zoned SCM/R 55'/75' west of the alley and SCM 75' to the east of the alley.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC)

SEPA – to approve, condition or deny pursuant to 25.05.660 - Chapter 25.05, Seattle Municipal Code (SMC)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS*
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading,
 or demolition, or another agency with jurisdiction.

*DPD has adopted the *Seattle Commons/South Lake Union Plan Final Environmental Impact Statement* prepared for the City of Seattle Office of Management and Planning and issued in May 1995, as the environmental document for this proposal. It has been supplemented by an *Addendum* to the Seattle Commons/South Lake Union Plan FEIS, prepared under the supervision of the City of Seattle Department of Planning and Development and issued on December 4, 2003. The *Addendum* adds analyses and information about this proposal but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document.

BACKGROUND DATA

Site and Vicinity Description

The development area is located in the Cascade District of the larger South Lake Union neighborhood. It is comprised of the entire block bounded by Thomas Street on the north, Yale Avenue N. on the east, John Street on the south, and Pontius Avenue N., on the west. The block is intersected by a 16-foot wide public alley running north and south between Thomas and John Streets. Hence, there are two distinct sites, the half block east of the alley and the half block west of the alley. The centerline of the alley also demarcates two different zones, Seattle Cascade Mixed/ Residential, with a 55-75 foot height limit (SCM/R 55'75') for the western half block and Seattle Cascade Mixed with a 75-foot height limit for the eastern half block (SCM 75').

The overall site presently contains two buildings and is also used for surface parking. The western half block is partially occupied by the former New Richmond Supply Laundry Building, a designated City of Seattle Landmark. The eastern half block contains a one-story structure, originally housing a portion of the Hires Root Beer bottling works and an automobile repair shop. It is currently occupied by PEMCO for the claims-adjustment examination of vehicles and for its vehicle claims offices. The latter structure will be demolished as part of the development proposal. Substantial portions of the existing New Richmond Laundry building, now unoccupied, including all of its street facing façade and portions of the alley-facing façade, will be retained and incorporated into two of the proposed new structures. The southwest portion of the overall site was formerly occupied by the Lillian Apartments, demolished in 2002. That portion of the site is now vacant.

The project site slopes downward in a northwesterly direction, from a high elevation of approximately 120 feet at the southwest corner of the block to an elevation of approximately 109 feet in the northwest corner of the block.

Immediately across Yale Avenue N. and extending the block from Thomas to John Street is the REI retail store. Directly across John Street to the south are surface parking lots and a large maintenance garage used by Greyhound Bus Lines. The block front opposite the site across Pontius Avenue N. is occupied by surface parking lots, a small warehouse, and a small apartment building. The northernmost portion of the block is occupied by the Immanuel Lutheran Church, also a City of Seattle Landmark. In the block directly across Thomas Street to the north there is located a large warehouse building, covering almost the entire block, which houses the Evergreen Wholesale Florist firm. Kitty corner to the north and west, the block is occupied the Cascade Park and Playground. There are a number of smaller apartment buildings in the immediate vicinity of the proposal. The Alcyone, a newer and larger residential structure is nearing completion a block to the west, just north of Thomas Street. Businesses and other uses of size, other than those already mentioned, within the immediate vicinity are: office headquarters for PEMCO Mutual Insurance, editorial and other offices for The Seattle Times, two other wholesale florists, and the Spruce Street School.

A block to the east of the proposal site Eastlake Avenue E. abuts Interstate 5. The multi-lane freeway effectively defines the eastern edge of the Cascade neighborhood and separates it from the Capitol Hill neighborhood beyond the freeway and uphill to the east. Denny Avenue, a block to south, provides an overpass connection to Capitol Hill and also marks the division between the Cascade and South Lake Union neighborhoods and the Denny Triangle neighborhood which is the northeast furthest extension of Seattle's Downtown zones.

Proposal Description

The proposal for the east half block of the complex is to build a 5 and 6-story commercial office building. Five stories of offices would occupy the space above a ground floor of retail with some administrative office use at the southern half of the block, 4 stories of office would occupy space above ground floor retail on the northern half block. Two new structures would be built on the western half block. The northern and mid portions of the half block would be occupied by a structure with some retail and residential uses on the ground floor with mezzanine and 5 stories of residential apartments above. This building would incorporate within itself the western façade and other portions of the New Richmond Laundry Building, a Landmark structure. The southern portion of the block would be occupied by a residential building, with town-house structures at the street and mezzanine levels and 5 stories of apartments above.

The proposal calls for an east-west mid-block pedestrian connection, intersecting the alley and joining Pontius and Yale Avenues. A small skybridge, connecting the third floor office plate on the east half block with a roof deck on the western half block is also a part of the proposal. (Although included within the design recommended for approval by the Design Review Board, the skybridge must receive further approvals from the Seattle Design Commission and the Seattle Department of Transportation.)

Vehicle access to underground parking would be provided through a single curb cut along John Street. Loading spaces and service access to uses within the various building comprising the complex, including trash and recycle collection, would be from the mid-block alley via John Street. Three truck loading spaces, one with loading dock, would be provided anent the alley. The alley, which presently has a platted 16-foot width, would be widened to 20 feet as part of this proposal.

Public Comments

Public comment was invited at initial application, after issuance of the Addendum to the Seattle Commons/South Lake Union FEIS, and at two design review public meetings. Comments from the Design Review meetings are noted within the Design Review process summaries which follow. Written comments were few and generally limited to two issues: 1) the partial demolition of the New Richmond Laundry building rather than keeping it intact; 2) the height of the proposed structures and possible impacts on the Immanuel Lutheran Church building, a Landmark structure, across Pontius Avenue N. from the proposal. None of the comments received raised fundamental objections to the proposed project

ANALYSIS - DESIGN REVIEW

At an Early Design Guidance Meeting, attended by four of the Design Review Board members for Area 7 (Capitol Hill) and held at Miller Community Center on July 2, 2003, the architect, John Savo, presented preliminary conceptual plans for a three-building mixed-use project with approximately 165 residential units, 38,000 square feet of retail commercial space, 180,000 square feet of office space and underground parking to be located in the half block entirely east of the alley for approximately 380 vehicles.

Architect's Presentation:

The architect presented analytical and conceptual drawings and a model which showed: a proposed mixed-use development, containing housing, retail, and office space. The office space and bulk of the retail space was proposed for the eastern half block. The underground parking

for the entire development was relegated to the eastern half block as well. The primary identified urban design constraints and opportunities were: potential connections to Cascade park just west and north of the site, to the REI “park” immediately to the east; visual connections to the Landmark-ed Immanuel Lutheran church building on the corner of Pontius Av N and Thomas Street; the interface with a designated “Green Street” (Thomas St); the connection provided by the existing north-south alley dividing (and potentially uniting) what were in actuality two development sites; the existence on site of a historic building (the New Richmond Laundry, in reality three connected buildings) which is to be largely to be kept and to undergo adaptive reuse in conjunction with the new construction which would partially encompass it on three sides. One defining element in the proposal was an east-west pedestrian connector mid-block between Pontius Av N and Yale Av N. The applicant preliminarily identified a development standard departure to be requested of the Board, namely, from SMC 23.48.012 A2 which requires an upper-level setback for facades of structures located in the SCM/R zone that face an alley.

Public Comment

The meeting was attended by several individuals who reside in or work in the Cascade neighborhood. They expressed both support for the proposal and a variety of concerns regarding particulars of the proposal. All commended the overall scope of the project and the developers’ efforts to meet with the community and engage their concerns early on. Two individuals strongly urged that the applicant explore ways to retain the three historic buildings in their entirety and not to lose portions of the buildings along the alley side as the conceptual schemes presented suggested.

While the applicant indicated that an alley vacation was not being sought from City Council, one member of the public asked that the decision should be revisited, suggesting that a vacation might provide an opportunity for more control and potential for realizing the full development of the alley as a neighborhood pedestrian pathway. The development of the alley and the addition of a transecting cross-block connector were broadly championed in the public’s comments with exhortations that the concept be fully exploited as the design for the overall project was developed.

It was also agreed that the development of the site would set a tone and direction for other development in the neighborhood, placing an added responsibility on the project for achieving excellence in design. A general theme in the comments was a confidence that the applicant would attain that level of excellence by continuing on the road of careful analysis and broad exploration that was evident in the presentation of schematic development of the project to date while at the same time giving an ear and thoughts to the comments that were expressed.

The design review priorities identified by the Board as being of greatest importance and their specific comments are as follows.

PRIORITIES

Having visited the site, and having considered the analysis of the site and context provided by the applicants, and after hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those context, siting and design guidelines found in the City of Seattle *Guidelines for Multifamily & Commercial Buildings* to be of highest priority for this project.

A-4 Human Activity

New development should be sited and designed to encourage human activity of the street.

In his presentation the applicant had addressed several ways that the project was attempting to enliven the street, including an outdoor plaza area directly across from the park and playground at the northwest corner of the site, providing a transecting alley that lines up with the REI “park” across Yale Avenue N, and providing individual residential entries and the possibility of stoops along Pontius Avenue N and along the residential portion of development at John Street.

The Board feels that the design should include an outdoor plaza as proposed and should include individual residential entries and stoops. The working out of the design details for successful implementation for both enlivened streets and alleyways should be essential for the success of the project. One of the Board members expressed concern that the alley, in relation to the office portion of the project, not take on the characteristics of a suburban office park where fun and games ceased at 5:00pm; the Board members agreed that the alley must be the site of sustained activity after the office workers had quit for the day; and they feel that the design should include details that address the sustainability of human activity issues.

A-5 Respect for Adjacent Sites

Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy for residents and encourage social interaction among residents and neighbors.

The Board did not give any specific direction that this consideration should take, but noted that this guideline should be given significant weight insofar as a good deal of the public comment on the project at the meeting had been focused not only on the interface of the proposed new structures with the historic structures on site but on the relationship of the entire development to the Landmark-ed church (Immanuel Lutheran) building across Pontius Avenue.

A-6 Transition Between Residence and Street

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The applicant’s design concept locates residences along Pontius Avenue N and wrapping around onto John Street, each having individual entrances, possibly with individual stoops and landscaped entrances. Since the existing historical building had been built to the property line, providing for entry podiums, stoops, landscaping, etc., would require street-use permit(s) from Seattle Department of Transportation (SDOT). The applicant indicated that some preliminary discussion had taken place with SDOT regarding development within the Pontius Avenue N public right-of-way, and the Board was in agreement that the project team and City staff should vigorously explore design elements suitably connecting the residential units to the sidewalk and the public realm; these should be the preferred alternatives to be developed in conjunction with SDOT. The same vigorous dialogue with SDOT should provide viable options for enlivening the interface between the alley and the various proposed buildings. The Board requested that details of the several street-building and alley-building connections should be presented at the next presentation of the project to the Board. (Also see D-1 and D-7 below.)

A-7 Residential Open Space

Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The applicant proposes an outdoor plaza at the northwest corner of the development site and emphasizes how it would make its connection to Cascade Park diagonally across the intersection of Thomas Street and Pontius Avenue N. The architect also proposes additional open space, shown as notches along the alley and along the proposed cross-block pedestrian connector. The Board expressed a favorable reaction to these initiatives while indicating that the creation of usable, attractive, well-integrated open space should be of highest priority for the project. Again, the Board indicated that the architect should develop and show, at the next presentation to the Board, a more refined level of the details of the proposed open spaces.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

The Board considered this guideline to be of high priority for the project. Without being overly prescriptive in their guidance, allowing for design latitude in response to the several and different contiguous contexts, the Board noted that there were four corners that design development of the project should equally address.

B-1 Height, Bulk and Scale

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated potential of the adjacent zones.

The architect presented a series of height, bulk and scale compatibility issues that he explained had been instrumental and determinative to date in the conceptual design phase of the project, especially in the massing of the proposed new development in relation to the existing Landmarked structure on site. The Board's expectation is that the design should provide light and air and well-proportioned interior facades to each of the residential and office facades and to the Landmark-ed structures on and off site.

C-1 Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The Board designated this guideline as of highest priority, indicating that the proposed buildings should set the tone both for adaptive reuse and contextually compatible new construction in the neighborhood. The design of the building should impart to the immediate vicinity "an idea of what it can and will become." The potential scope, location, and prominence of the proposed structure should create an opportunity, if well designed, to establish an identity and pattern from which future development in the area can take its cues.

C-2 Architectural Concept and Consistency

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

In indicating this guideline to be of highest priority, the Board applauded the conceptual design the applicant presented and encouraged continued development along the lines that are staked out and presented. The massing of the structures on site in relation to each other should receive

further definition in the choice of juxtaposed materials, in the choice of location, size and treatment of windows, and in choices of various other architectural details, including lighting.

C-3 Human Scale

The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

Both the commercial and the residential facades, each in their own contexts, should utilize details, elements, and materials that allow people to feel comfortable in passing by or approaching them. The commercial façade along Yale Avenue N. and the cross-block pedestrian connector should express a “particularly pedestrian ambience” which would draw people from the REI site across the street. Certainly the biggest challenge is to achieve a balance within the alleyscape, if it is to be both a working alley for cars and trucks and an inviting pedestrian corridor. The Board will be anxious to see the design details calculated to bring about that balance.

C-4 Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The Board supported the project’s implied commitment to providing attractive and durable finish materials on each of the building’s faces, and noted that such attention to detail was of highest priority. The Board noted that this was of special importance since the richness of materials and craftsmanship in the brick facades of the existing Landmark-ed structure(s) sets a benchmark and raises the level such that the new structures provide complementary materials and craftsmanship within the overall development.

C-5 Structured Parking Entrances

The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

The Board agrees that the project should provide access as proposed off a single parking entry and exit on John Street. In designating this guideline as of highest priority the Board indicated that the applicant should provide details regarding the parking entrance in subsequent presentations.

D-1 Pedestrian Open Spaces and Entrances

Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

The Board agreed that this was a “huge part of the project” as presented. The proposal should provide many entrances to several buildings on four street fronts and two additional significant pathways along the alley and the cross-block connector with still other entries. The design should show details of lighting and texture and security and weather protection as well as all those other elements that contribute to a general pedestrian “liveliness.”

D-6 Screening of Dumpsters, Utilities and Service Areas

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from

the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

This is a guideline of highest priority insofar as a design challenge of this project is to make a working alley, with its loading docks, dumpsters, etc., not only accommodate but encourage pedestrian presence and use. The design of docks and service entries and storage spaces off the alley and lighting should be functional and compatible with pedestrian activities. The Board is eager to see the design development and detail which attempt to strike the proper balance of demands.

D-7 Personal Safety and Security

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Again, in setting this as a guideline of highest priority, the Board gave emphasis to the functioning of the desired alley milieu. In addition, the Board expressed their opinion that the proposal should include a multiplicity of residential entries and should provide and detail a transitional zone between the sidewalk and the individual residential entry.

E-2 Landscaping to Enhance the Building and/or Site

Landscaping, including plant material, special pavements, trellises, screen wall, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

The Board asked that a landscaping plan should be developed in conjunction with open space and street- and alleyscape design alternatives, to be presented with at least some preliminary detail at the next meeting. The plan should include a plan for street trees and other alternative landscaping options in the right-of-way, in particular indicating a formal link with the Greenstreet plan for Thomas Street.

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

In citing this rather catch-all guideline to be of the highest priority, the Board emphasized that the design should create a real interface with the Greenstreet along Thomas St. The design should clearly provide the links with the Cascade Park north and west of the site and with the REI garden to the east. The landscape details of the overall project should, on this highly visible project, set a tone for other neighborhood development.

Development Standard Departures:

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012). At this early stage of the design development for this project the applicant indicated a departure from SCM 23.48.016A2, upper level setback requirements for facades facing alleys in the SCM/R zone. The Board indicated it would continue to entertain the granting of this departure and its willingness to entertain the granting of other departures which might be identified later, provided the final design would successfully incorporate the design guidelines enumerated above.

SUMMARY OF EARLY DESIGN GUIDANCE

In general, the Design Review Board felt the concept design was headed in the right direction and felt there were no concept design issues, which were problematic. The Board and applicant understood that a more refined design would be presented at a Recommendation Meeting in the future.

DESIGN REVIEW RECOMMENDATIONS:

At a December 3, 2003 meeting of the Design Review Board for Area 7, held at Seattle Central Community College and attended by three members of the Board, , the architect reviewed the project and highlighted responses within the design to the Early Design Guidance the Board had given at the July 2nd Early Design Guidance meeting.

Architect's Presentation of Design Development :

The architect presented plan drawings, elevations, perspective drawings, material samples and a large scale model of the full-block development. The project includes an outdoor plaza area directly across from the park and playground at the northwest corner of the site and provides for a transecting "alley" that aligns with the REI "park" across Yale Avenue N. Individual residential entries, some with stoops, will be provided along Pontius Avenue N and along the residential portion of development at John Street.

Development Standard Departures:

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012). The applicant identified one development standard departure that was requested of the Board, namely, from SMC 23.48.012 A2 which requires an upper-level setback for facades of structures located in the SCM/R zone that face an alley.

Public Comments:

Fifteen members of the public affixed their names to the sign-in sheet made available at the December 3, 2003 meeting. These included several individuals who reside in or work in the Cascade neighborhood. Generally, they expressed strong support for the proposal. All commended the overall scope of the project and the developers' efforts to meet with the community and engage their concerns early on.

The development of the alley and the addition of a transecting cross-block connector were broadly championed in the public's comments. One individual who had strongly urged that the applicant explore ways to retain the three historic buildings in their entirety and not to lose portions of the buildings along the alley side, acknowledged that the design was otherwise sensitive to the neighborhood's issues and desires for the site. Members of the congregation of Immanuel Lutheran Church, while wishing that less of their church's front façade and steeple could be blocked in ambient views, nonetheless acknowledged an evident sensitivity to their desires in the design as presented which voluntarily stepped back a portion of the mass of the building along Thomas Street.

Design Review Board Deliberations

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, reviewing the plans and renderings, hearing the presentation of the

applicant, asking clarifying questions of him, and after due deliberation, the three members of the Area 7 Design Review Board, those in attendance and constituting a quorum, unanimously recommended **approval of the design of the proposed project** as presented to the Board at the meeting. They also recommended **granting the requested design departure** from SMC 23.48.012 A2 which requires a setback for portions of any façade facing an alley in the SCM/R zone, along with the **conditions** stated below.

After all three of the Design Review Board members present recommended **granting the requested departures** and **approval** with the following **conditions**.

In recommending approval of the project, the Board indicated that it was their understanding that the exterior colors and materials for the built project would be within the range of materials and colors presented to the Board at the meeting. It was also understood that any substantial revision in height, bulk or scale, in façade appearances or materials, in architectural details or in landscaping concept, scope, or materials would have to be returned to the Board for their subsequent approval. Conformance of the final design to the substance of the conditions stated below could be certified by the Land Use Planner assigned to the project without returning to the Board for further approval.

DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the three Design Review Board members present at the Design Review meeting and finds that they are consistent with the *City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings* and that the development standard departure presents an improved design solution, better meeting the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code.

Therefore, the proposed design is **approved** as presented at the December 3, 2003, Design Review Board meeting with the recommended development standard departure described below is approved, subject to the Board's recommended design conditions, enumerated above.

The Director also requires that the applicant revise the MUP drawings to incorporate the recommendations of the Board and the conditions of the Director, as listed below.

Conditions:

1. It should be noted that façade transparency requirements are requirements of the code and not of themselves "Green street" amenities. The design of the north-facing street-level façades and adjacent right-of-way along Thomas Street, a designated "Green Street," should be refined and broadened. In addition to right-of-way treatments such as sidewalk-widening, street trees and landscaping, the facades of each building should include pedestrian-oriented features, including but not limited to overhead weather protection and some distribution of street furniture, artwork, or some other creative detail that promotes pedestrian engagement with the base of the building.
2. The entire Yale Avenue office façade needs refinement and details to communicate a distinctively urban character and dispel any appearance or suggestion of a building that would feel at home in a suburban office court. Specifically, the materials, colors, exterior shading, location of fenestration, treatment of operable windows and other elements of the façade must work together to suggest the urban-industrial character and feel of the overall site and to meet the intentions articulated and the expectations generated by the

design and development team. In addition, the façade should relate in some discernible way to the site development, building and landscaping, across Yale Avenue (the REI store, which provides a contemporary “landmark” structure to the east). Specifically, the “markers” and the “water element” (presented more conceptually than in design detail by the design/development team) must receive detail and refinement and shall be considered by the Board as essential and indispensable elements of the design as recommended by the Design Review Board to the Director of DPD for approval.

The recommendations summarized above were based on the plans presented at the December 3, 2003, meeting. Design, siting, façade materials and architectural details not specifically identified or altered in these recommendations are expected to remain similar to those presented in that meeting.

ANALYSIS - SEPA

This analysis relies on the *Seattle Commons/South Lake Union Plan Final EIS* issued in May 1995 by the City of Seattle Office of Management and Planning and on the *Addendum to the Final EIS for the Seattle Commons/ South Lake Union Plan* issued by the lead agency, the City of Seattle Department of Planning and Development on December 4, 2003. These environmental documents put forward the probable and significant adverse impacts likely to be created by the proposal. This decision also makes reference to and incorporates the project plans and other supporting documentation submitted with the project.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

No Action Alternative

The No Action Alternative in the EIS provides a baseline for comparing the impacts of construction of the proposed development and parking with conditions that are expected to exist at the time the project is completed. Under the No Action Alternative, the proposed full-block, mixed-use complex would not be built. The existing uses of the site, surface parking and a one story commercial structure, would presumably continue. The New Richmond Laundry building, used until 2001 as a commercial laundry facility, would remain (presumably) unoccupied.

The project is expected to have both short and long term impacts.

Short-term (Construction-Related) Impacts

The initial disclosure of the potential impacts specifically from this project was made in the *Addendum to the Final Environmental Impact Statement for the Seattle Commons/South Lake Union Plan* dated December 4, 2003 and prepared at the direction of DPD as Lead Agency. This information in the environmental documents (including the **Seattle Commons/South Lake Union Plan Final Environmental Impact Statement** of May 1995), supplemental information provided by the applicant (plans, including landscape plans), comments from members of the community, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

Construction-Related Impacts

Traffic

Excavation of the proposed underground parking garage would extend approximately 30 feet below existing grade on the east half of the block. Little excavation is anticipated on the west half of the block. Overall, it is anticipated that the proposal would require excavation of approximately 62,400 cubic yards of material, none of which is to be stockpiled on site. The 62,400 cubic yards of material would be exported to an as yet undetermined site. Removal of the soil would generate approximately 7,500 truck trips and take approximately 6 to 7 weeks to complete. In the normal course of events, the arrival of workers is expected to occur in early a.m. hours, prior to peak traffic periods on surrounding streets. Likewise, their departure is expected to occur during afternoon hours, prior to p.m. peak traffic periods. Truck trips related to excavation and construction are expected to be spaced in time as they either load material and depart or arrive from various locations. These trips could have a negative affect upon transportation levels of service on the surrounding street and highway system unless carefully scheduled, however. Staging of trucks in immediate site proximity during excavation and concrete pouring has the potential for localized traffic disruptions. Existing regulatory authority in place with Seattle Department of Transportation (SDOT) allows for some control through permitting review of use of surrounding streets to mitigate these potential impacts. Because it might be advantageous, since it might result in an overall lessening of the duration of short-term construction impacts, to allow for night-time excavation and foundation work, DPD will approve nighttime hours of construction if part of a Construction Impact Management Plan to be proposed which provides for adequate mitigation and has been reviewed and approved by DPD.

Public sidewalks are found on four abutting rights-of-way. Although none of these streets regularly handle large numbers of pedestrians, it is necessary to use SEPA policy authority to require that predictable paths of pedestrian travel be established and maintained. Sidewalks

along the project site shall generally be kept open and safely passable throughout the construction period. Any case for the need for the temporary closure of any or all of the sidewalks surrounding the site are to be disclosed in the Construction Impact Management Plan which must have DPD approval as well as SDOT approval.

Excavation

Excavation to provide 2.75 levels of underground parking will create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction. Cleanup actions and disposal of contaminated soils on site will be performed in compliance with the Model Toxics Control Act (MTCA; WAC 173-340). Compliance with the Uniform Building Code (or International Building Code) and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

Groundwater, if encountered, will be removed from the excavation by sump pumping or by dewatering system and routed to existing storm drain systems. A drainage control plan, including a temporary, erosion and sedimentation control plan and a detention with controlled release system will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts.

Noise-Related Impacts

Residential, office, and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction (demolition, shoring, excavation). Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the presence of some nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 9:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; if the contractor chooses to work on the following holidays in the City of Seattle calendar, they should be treated as Saturdays, with work restricted to the hours of 9:00AM to 6:00 PM: Martin Luther King, Jr. Birthday, Presidents' Day, Veterans' Day.)

That having been said, it is also recognized that some construction-related activities (e.g., excavation and sub-grade pouring of concrete, with proper noise-management technologies and processes in place, may reduce the overall impact of short-term construction noise by substantially shortening the construction timetable. Such a nighttime construction schedule might also serve to lessen traffic impacts and to shorten truck turn-around times during the excavation phase of construction. Any change in the allowable hours of construction would require pre-start approval of a full-term Construction Impact Management Plan to be approved by both DPD and SDOT. Submission and approval of the Construction Impact Management Plan shall be required before issuance of any building permits for the site.

Air Quality Impacts

Construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency (“PSCAA”) prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

Long-Term Impacts — Use-Related Impacts

Land Use

The proposed project, with its sidewalk widening, Greenstreet amenities, overhead weather protection, through-block plaza connection, retail frontages and entries along sidewalks, office and residential uses is consistent with the City of Seattle Comprehensive Plan (1994), and the South Lake Union Neighborhood Plan (1998). Although vested and not subject to the South Lake Union Design Guidelines (which became effective November 15, 2003), the design of the project is compatible with those neighborhood specific guidelines.

Historic Preservation

Re-development of the project site would affect the existing New Richmond Supply Laundry Building, a designated Seattle *Landmark*. Design of the proposed project is integrated with the existing structure and will entail modification of the building and site. Prior to alterations or significant changes being made to the existing Landmark structure, however, the proponent must obtain a Certificate of Approval for such changes from the Landmarks Preservation Board. No further mitigation under SEPA authority is warranted or necessary.

Shadows on Open Spaces

Because of the height of the proposed buildings and their proximity to the Cascade Playground a shadow analysis has been included in the **Addendum** to the ***Final Environmental Impact Statement for Seattle Commons/ South Lake Union Plan.*** While the proposed building during the morning hours would periodically shade portions of the block to the northwest that contains the Cascade Playground, shadow-related impacts are not expected to be significant because they would occur at a time of the day and season of the year when use of the playground is minimal. No further mitigation under SEPA authority is warranted or necessary.

Transportation

The elements of the transportation study prepared by the TRANSPO group for the proposal were determined by DPD to establish the study area, and the key traffic issues. The TRANSPO report evaluates the net additional impacts of the proposed project.

Traffic

Over the long-term, vehicular and pedestrian traffic will increase as a result of this proposal. Demand upon general area transportation systems, including transit, will also increase. A Transportation Impact Study by The Transpo Group (*Transportation Impact Analysis*, December, 2003) is included in the file for this project. Fourteen intersections were studied. In project year 2006, inclusion of project related traffic adds an estimated 2,940 daily vehicle trips to surrounding streets, 320 in the AM peak hour and 310 in the PM peak hour. In the AM peak hour the project would add traffic to three intersections which the baseline level of service for 2006 foresees as performing at Level of Service ("LOS") F, namely Eastlake Ave./Stewart St./John St., Howell St./Yale Ave. N., and Stewart St./Denny Wy. During the PM peak hour the project would add traffic to two intersections which the baseline level of service for 2006 foresees as performing at LOS F, namely Stewart St./Denny Wy. And Fairview Ave./Mercer St. Given the high volume of commute traffic and their proximity to the I-5 ramps, it is not unusual that these signalized intersections would experience high vehicle delay and volume-to-capacity (v/c) ratios. But the project traffic would increase these v/c ratios by less than 3 percent at any one of the four locations and would be proportional to the project's share of total entering traffic at these locations. Project impacts would not be substantial in comparison to the baseline condition without-project traffic.

Several of the study intersections are expected to continue to operate at the same Level of Service (LOS) without and with the proposed project. Other intersections would degrade. The Pontius Ave./Thomas St and Fairview Ave./John St. intersections would each increase their LOS from A to B during the AM peak hour and from B to C during the PM peak hour. The Fairview Ave./Denny Wy. intersection would increase its LOS from C to D in the AM peak hour and from D to E in the PM peak hour. The Fairview Ave./Thomas St. signalized intersection, with the addition of project traffic, would degrade from LOS C to E during the PM peak hour. Additionally, the unsignalized Eastlake Ave./Thomas St. intersection would degrade from LOS E to LOS F in the PM peak hour with project traffic.

The LOS at the Fairview Ave./Thomas St. intersection, according to the TRANSPO study, would degrade primarily as a result of the project increasing westbound right-turning traffic from Thomas Street to Fairview Avenue. This intersection approach is currently one lane, shared for the through, left-turn and right-turn movements. Removing on-street parking on the north side of Thomas Street for the one-half block east of Fairview Avenue would create space for the right-turn lane. By modifying the east leg of Thomas Street to accommodate a westbound to northbound right-turn lane, the intersection would predictably improve to a pre-project level of

LOS C. A similar modification has been made at other locations along Fairview Avenue and has improved traffic flow as redevelopment has occurred in the South Lake Union neighborhood. None of the other studied intersections suffers serious proportionate deterioration as a result of project generated traffic. Additional traffic generated by the project at the Fairview Ave./Thomas St. intersection, as-well-as traffic added throughout an already congested area form the basis for exercising SEPA transportation policy conditioning authority. As mitigation for project-generated traffic impacts in the area, the applicant shall be required to pursue with SDOT the feasibility of modifying the north side of Thomas Street just east of the intersection with Fairview Ave. N. to accommodate a westbound to northbound right-turn lane.

In addition, a Transportation Management Plan ("TMP") as proposed as a mitigating measure in the TRANSPO Transportation Impact Analysis as outlined below shall be required pursuant to SEPA policy authority. The TMP shall have the goal of reducing the number of office workers coming to the building by single occupancy vehicles to no more than 43%. The Plan shall utilize Director's Rule 14-2000 and be submitted for review to DPD and SDOT. This measure, combined with the intersection-specific measure would collectively reduce the degree of project impacts.

Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The five evaluated screenlines included in the TRANSPO analysis would have v/c ratios less than the respective LOS standard and the addition of peak hour traffic generated by the proposal would meet the City's transportation concurrency requirements.

Parking

A portion of the overall site is currently utilized for both private and public parking. There are 31 existing public parking stalls and 87 stalls for private use by the PEMCO Insurance Co. None of the PEMCO stalls on site, 10 for fleet parking and 77 for employee and customer parking, are required parking. During weekday evening hours and weekends, 108 stalls are available for public use. The proposal would eliminate six existing curb cuts and create one new curb cut for access to the new garage, allowing for additional space in the right-of-way which could be converted to seven on-street parking stalls. If an additional seven new stalls for public on-street parking are created in the right-of-way adjacent the proposal, only 24 public stalls available on weekdays would be displaced by the redevelopment of the whole-block site. The amount of unutilized public parking within a walkable distance of 800 feet is estimated to be about 290 stalls, and would substantially exceed the number to be displaced by the proposal.

The City of Seattle Land Use Code requires an adjusted minimum of 357 parking spaces, predicated upon the size and variety of proposed uses on site and allowable waivers. (The proposal seeks a reduction of 50 percent of the parking requirement for the residential use per SCM 23.54.020 G2d, for a reduction of 90 spaces, and up to a 10 percent reduction in required parking due to a Transportation Management Program (TMP)). Parking would be provided on-site within a new underground garage with 357 stalls. This parking would be accessed off John Street and would be designated for use by the residential, retail and office tenants.

A parking demand analysis was included within the TRANSPO *Transportation Impact Analysis* (December, 2003) to determine how closely the proposed number of parking spaces would match the anticipated parking demand. Total parking demand was calculated by considering the gross square feet in retail and office use, the number of residential units, and travel mode splits. Rates were used from the ITE Parking Generation tables and distributed throughout the day using distribution patterns from the Urban Land Institute to estimate a peak demand of 516 spaces during the weekday midday hours. Parking demand would exceed the on-site parking supply between 9 AM and 4 PM and generate a need for up to 142 stalls off-site during this time period. During weekday evenings and on weekends, project parking demand, according to the TRANSPO study, would be accommodated by the parking garage supply.

A Transportation Management Program (TMP) and/or Commute Trip Reduction (CTR), expected to achieve a single occupancy vehicle mode split of 43 percent, a carpool mode split of 10 percent, and transit or other non-motorized modes totaling 47 percent, is proposed for the project site and/or employers at the site and shall be required for the project site and for employers on site and shall be implemented to reduce single-occupant commute trips, thereby reducing peak parking demand.

DECISION – SEPA

This decision was made after review of the **Addendum to the Seattle Commons/South Lake Union Plan final EIS** as well as other information on file with the Department. This action constitutes the lead agency's final decision and has been signed by the responsible official on behalf of the lead agency. Pursuant to State and Local environmental regulations, alternatives to the proposed action meeting the applicants' objectives were considered. All information relied on by the Department and responsible official concerning the proposal and the alternatives is and has been available to the public.

DPD finds that proposed development including mitigation measures proposed by the applicant or imposed as conditions of the Master Use Permit would be reasonably compatible with existing land uses and the City's land use and environmental policies, and should be conditionally approved.

CONDITIONS - DESIGN REVIEW

Prior to Issuance of MUP

1. The design of the north-facing street-level façades and adjacent right-of-way along Thomas Street, a designated "Green Street," shall be refined and broadened. In addition to right-of-way treatments such as sidewalk-widening, street trees and landscaping, the facades of each building shall include pedestrian-oriented features, including both overhead weather protection and some distribution of street furniture, artwork, or some other creative detail that promotes pedestrian engagement with the base of the building.
2. The entire Yale Avenue office façade shall be refined and detailed to communicate a distinctively urban character and dispel any appearance or suggestion of a building that would feel at home in a suburban office court. Specifically, the materials, colors, exterior shading, location of fenestration, treatment of operable windows and other elements of the façade shall work together to suggest the urban-industrial character and feel of the overall site and to meet the intentions articulated and the expectations generated by the design and development team. In addition, the façade shall relate in some discernible way to the site development, building and landscaping, across Yale Avenue (the REI store, which provides a

contemporary “landmark” structure to the east). Specifically, the “markers” and the “water element” (presented more conceptually than in design detail by the design/development team) shall receive detail and refinement and shall be considered by the Board as essential and indispensable elements of the design as recommended by the Design Review Board to the Director of DPD for approval.

3. The applicant shall revise the MUP plan drawings to incorporate the recommendations of the Board and the conditions of the Director, as listed above.

Prior to Certificate of Occupancy

4. Construct three buildings with design, siting, façade materials and architectural details substantially the same as those presented within the plans submitted at the December 3, 2003 Design Review Board meeting and as revised per conditions 1 and 2 above prior to MUP issuance.

CONDITIONS - SEPA

Prior to Beginning of the Demolition/Construction Phases

5. Submit a copy of the Puget Sound Clean Air Agency notice of construction.
6. It is recognized that some construction-related activities (e.g., excavation and sub-grade pouring of concrete, with proper noise-management technologies and processes in place, may reduce the overall impact of short-term construction noise by substantially shortening the construction timetable. Such a nighttime construction schedule might also serve to lessen traffic impacts and to shorten truck turn-around times during the excavation phase of construction. Any change in the allowable hours of construction given below shall require pre-start approval of a full-term Construction Impact Management Plan to be approved by both DPD and SDOT prior to issuance of any building permit for the site.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

7. The applicant is required to limit periods of all construction to between the hours of 7:00 a.m. and 9:00 p.m. on non-holiday weekdays and to 9:00 a.m. to 6:00 p.m. on non-holiday Saturdays. The no-work holidays are the following: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. The following holidays in the City of Seattle calendar shall be treated as Saturdays, should the contractor choose to perform construction-related activities on these days: Martin Luther King, Jr. Birthday, Presidents’ Day, Veterans’ Day. Activities which will not generate sound audible at the property line such as work within enclosed areas, or which do not generate even moderate levels of sound, such as office or security functions, are not subject to this restriction.

8. The sidewalks along the project site in the Thomas Street right-of-way shall be kept open and made safely passable throughout the construction period. A determination by SDOT that closure of this sidewalk is temporarily necessary, for structural modification or other purposes, shall overrule this condition.

Prior to Issuance of a Building Permit

9. A Transportation Management Program (TMP) with a single-occupancy vehicle mode split of 43 percent shall be required for the project site and for employers on site and shall be implemented to reduce single-occupant commute trips, thereby reducing peak parking demand.

The TMP shall utilize Director's Rule 14-2002 and be submitted for review to DPD and SDOT.

10. The following improvements to the intersection of Fairview Ave. N. and Thomas Street, as approved and/or modified by SDOT, must be in place and functioning, if deemed feasible and desirable by SDOT, before occupancy of the building: a modification to the north side of Thomas Street just east of the intersection with Fairview Ave. N. to accommodate a westbound to northbound right-turn lane.

Signature: (signature on file) Date: March 1, 2004
Michael Dorcy, Land Use Planner
Department of Planning and Development
Land Use Services